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SUBJECT: NINE COUNTRIES TO JOIN SCHENGEN AREA ON DECEMBER 21

REF: USEU BRUSSELS 2950

SUMMARY

¶1. EU ministers in the November 8 Justice and Home Affairs (JHA) Council confirmed the abolition on December 21 of checks at internal land and sea borders with nine Member States that joined the EU in ¶2004. The ministers adopted the political decision after accepting an assessment that all nine "Schengen" candidates were ready to implement strict controls at their external borders. The Council also had an initial exchange of views that revealed fairly widespread concerns about a Commission plan to ease the admission of highly skilled migrants by creating a single permit (a so-called EU "Blue Card") for non-EU nationals to reside and work in the EU. Judicial cooperation issues discussed at the Council will be reported SEPTEL. Full text of Council conclusions has been transmitted to EUR/ERA. END SUMMARY.

ENLARGEMENT OF SCHENGEN AREA

¶2. EU delegations in the November 8 JHA Council confirmed plans to abolish checks at internal borders with nine of the Member States that joined the EU in 2004 (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia). Portuguese Presidency officials said the lifting at land and sea borders would occur at 00:01 on December 21. The decision to enlarge the "Schengen" area was depicted in EU circles as an early Christmas present for citizens of the "new" Member States. The lifting of air borders will occur by the end of March 2008.

¶3. Speaking at a joint press conference with Commission Vice-President Frattini, Portuguese Interior minister/Council chair Rui Pereira promised "very meaningful celebrations" on December 21 at selected border points, "showing how vibrant the European Union is." German Interior Minister Scha|ble said it was "of great importance to the new Member States that the Iron Curtain is gone and that controls are abolished."

¶4. The decision follows on a long-standing EU commitment to the nine countries that their citizens are allowed to take up full rights of free movement across the EU without showing identity documents at the borders. A first requirement for the removal of border checks was met in September 2007 when the countries plugged into the Schengen Information System (SIS), an electronic database allowing the authorities of countries participating in the area to swap information on wanted people, objects or vehicles (REFTEL). As Rui Pereira and Frattini duly emphasized to media, Portugal played a key role ahead of taking up the Presidency in promoting the so-called "SISone4all" project - aimed at extending the current "SIS I" to include the new members into the system -- and producing the necessary software to the effect. Frattini also praised Slovenia for its "extraordinary effort in leading the group of its (Central and European) counterparts" into the project.

¶5. Preparations have been under way for the "new" Member States to reassure current Schengen members that their customs and border checks with non-EU countries are in line with EU standards. The basic decision on extending the area followed on a detailed assessment, carried out by experts from the "old" Member States and Commission officials over the past two years. The latest evaluation visits took place over the past six months. They "demonstrated that the Member States concerned are sufficiently prepared to apply the Schengen acquis in a satisfactory manner," according to the Council Secretariat.

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¶6. The Council consequently adopted conclusions, according to which "the necessary conditions have been met in all areas" (air, land and sea borders, police cooperation, the SIS, data protection and visa issuance) in the Member States concerned. The formal Decision to lift the internal borders controls will be taken in December, once the European Parliament has cleared the evaluation reports, which is expected to be a formality.

¶7. Current Schengen countries are EU members Austria, Belgium, Denmark, Finland, France, Germany, Italy, Greece, Luxembourg, the Netherlands, Portugal, Spain and Sweden and non-EU members Iceland and Norway. Switzerland is set to join Schengen next year. Cyprus, the 10th country that joined the EU in 2004, opted to keep some border checks and will stay out of the area, along with other island countries UK and Ireland.

EU "BLUE CARD" FOR SKILLED WORKERS

¶8. Ministers heard a presentation by Vice-President Frattini on the recently adopted Commission proposal for an EU work permit - dubbed the EU "Blue Card" - designed to attract, and where necessary to retain, high-skilled workers into the EU labor market. The plan

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calls for a single visa application program, offering highly qualified job seekers a simpler way to gain access to the EU job market and doing away with the various national procedures. Those who get the "Blue Card" would have the right to social and other employment benefits enjoyed by EU citizens and would, after an initial two-year freeze, be able to move to another EU country provided they find another job there.

¶9. Frattini told ministers an EU-wide system was needed to ensure the continent is able to compete with its economic competitors like the U.S., Canada or Australia. "We cannot do without setting common standards here," he said, while assuring ministers the Commission was not aiming to dictate to Member States how many and which immigrants they should let in: "We shall not be interfering with the responsibility of each Member State to determine how many workers are available in each country." The Commission also proposed to give a clear set of rights to all non-EU nationals who legally reside in the EU.

¶10. Although Frattini told a press conference the package received "broad and strong support from all ministers," a public debate that followed his presentation to the Council revealed a more nuanced picture of Member State positions. Dutch Deputy Justice Minister Nebahat Albayrak was "not sure" the plan would provide added value: "We have to ensure such procedures are rapid and flexible with unnecessary red tape." German Interior Minister Wolfgang Scha|ble restated that "The whole question of legal migration should remain the purview of Member States because they are responsible for their own employment markets." Finland, Greece and Cyprus expressed worries the plan could further strain national pension schemes. Some ministers also cautioned the proposals could attract new waves of migrants who would use the scheme to gain permanent access to the EU. Austrian Interior Minister G|nther Platter said Member States "should exercise due caution" to ensure they "do not produce unwanted new migratory flows."

¶11. Ministers agreed to return to these proposals in the context of

a joint meeting with their colleagues responsible for Employment and Social Affairs on December 6.

MURRAY